

AN ORDINANCE BY COUNCILMEMBERS CEASAR C. MITCHELL, JOYCE SHEPERD, JIM MADDOX, IVORY LEE YOUNG, JR., FELICIA A. MOORE, CLAIR MULLER, MARY NORWOOD, CARLA SMITH, CLETA WINSLOW, NATALYN ARCHIBONG, HOWARD SHOOK AND KWANZA HALL

AS SUBSTITUTED BY FINANCE/EXECUTIVE COMMITTEE

AN ORDINANCE TO REPEAL CHAPTER 2, ARTICLE X KNOWN AS THE “PROCUREMENT AND REAL ESTATE CODE” OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA SO AS TO ENACT A NEW CHAPTER 2, ARTICLE X KNOWN AS THE “PROCUREMENT AND REAL ESTATE CODE”; TO PROMOTE THE ECONOMIC WELFARE OF THE PEOPLE OF THE CITY OF ATLANTA; TO PROMOTE FULL AND EQUAL BUSINESS OPPORTUNITY FOR ALL PERSONS DOING BUSINESS WITH THE CITY OF ATLANTA; TO PROMOTE COMMERCE BY ASSISTING SMALL BUSINESS ENTERPRISES (SBEs) TO ACTIVELY PARTICIPATE IN THE CITY OF ATLANTA’S PROCUREMENT PROCESS; TO ELIMINATE DISPARITIES IN THE UTILIZATION OF MINORITY AND FEMALE BUSINESS ENTERPRISES IN THE GREATER ATLANTA METROPOLITAN AREA; TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta has determined that it is necessary to use its purchasing and contracting functions to ensure competitive opportunities for all businesses; and

WHEREAS, the City recognizes the necessity for periodic review of and reporting on the implementation and operation of this Article to ensure that it continues to effectuate competitive opportunities for all businesses;

WHEREAS, the City of Atlanta desires to be proactive in ensuring that economic opportunities in the Atlanta Region are equally available to all individuals or businesses, regardless of race, gender or ethnicity; and

WHEREAS, the City of Atlanta desires its bid protest procedures to be efficient and productive; and

WHEREAS, the City of Atlanta desires to improve its oversight ability to monitor its contracts to ensure that it is not subsidizing work contractors may be doing on non-City contracts; and

WHEREAS, the City of Atlanta is committed to making sure businesses make efforts to contract with SBEs; and

WHEREAS, the City of Atlanta is committed to making sure qualifying SBEs are able to register easily with the City; and

WHEREAS, the City of Atlanta is committed to providing SBEs with assistance in gaining access to technical training, access to capital and financing, access to bonding for contracts, and access to a broad array of business markets; and

WHEREAS the City of Atlanta desires to do business only with those contractors who offer equal business opportunities for contracting work or services, without regard to business ownership by race, gender or ethnicity, and who do not tolerate or practice discrimination in contracting or subcontracting work or services in their private and public business activities; and

WHEREAS, a study of available data, including data maintained by the City of Atlanta and other public agencies, data gathered from a survey of businesses in the Atlanta Region, and other commercially available data regarding the economic opportunities available to businesses in the Atlanta Region was conducted by Dr. Ian Ayres, concluding in the Executive Summary of Dr. Ian Ayres (the "Disparity Study"); and

WHEREAS, the purpose of conducting this study was to determine whether the economic opportunities available to Minority- and Female-owned businesses seeking contracting opportunities in the Atlanta Region were equal to those opportunities available to majority-owned businesses in the Atlanta Region; and

WHEREAS, the Disparity Study identified statistically significant disparities in the use of Minority- and Female-owned SBEs in certain industries in contracts with the City of Atlanta when compared to similarly situated majority-owned firms, which were the result of discrimination on the basis of race, gender and ethnicity; and

WHEREAS, the Disparity Study identified statistically significant disparities in the use of Minority- and Female-owned businesses in the Atlanta Region in certain industries in the private market when compared to similarly situated majority-owned firms, which were the result of discrimination on the basis of race, gender and ethnicity; and

WHEREAS, these statistical and anecdotal findings taken as a whole give rise to an inference of continued discrimination and/or the continuing effect of past discrimination against minorities and women in business transactions in certain industries in the Atlanta Region. The foregoing findings on the private sector lead us to conclude that the City of Atlanta has a strong basis in evidence to take narrowly tailored measures to ensure that it is not a passive participant in a private scheme of discrimination against women and minorities as prime or subcontractors in certain industries; and

WHEREAS, the Disparity Study demonstrates that a program by the City of Atlanta to reinforce and support outreach efforts to open contracting opportunities to all businesses will promote equal opportunity for all businesses regardless of race, gender or ethnicity, eliminate the discrimination suffered by Minority- and Female-owned businesses, and ensure that the City of Atlanta is not a passive participant in ongoing private sector discrimination in the Atlanta Region; and

WHEREAS, the Atlanta City Council, through the Finance and Executive Committee, received the Disparity Study on October 27, 2009.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

**LARGE
ATTACHMENT(S)
DOCUMENT(S),
MANNUAL(S)
OR
MAP(S)
NOT COPIED**

AN ORDINANCE BY

Devin Miller
Joey Shepherd
Caesar C. Mitchell *Joey Shepherd*

09-01876

AN ORDINANCE TO REPEAL PART TWO, ARTICLE X KNOWN AS THE "PROCUREMENT AND REAL ESTATE CODE" OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA SO AS TO ENACT A NEW PART TWO, ARTICLE X KNOWN AS THE "PROCUREMENT AND REAL ESTATE CODE"; TO PROMOTE THE ECONOMIC WELFARE OF THE PEOPLE OF THE CITY OF ATLANTA; TO PROMOTE FULL AND EQUAL BUSINESS OPPORTUNITY FOR ALL PERSONS DOING BUSINESS WITH THE CITY OF ATLANTA; TO PROMOTE COMMERCE BY ASSISTING SMALL BUSINESS ENTERPRISES (SBEs) TO ACTIVELY PARTICIPATE IN THE CITY OF ATLANTA'S PROCUREMENT PROCESS; TO ELIMINATE DISPARITIES IN THE UTILIZATION OF MINORITY AND FEMALE BUSINESS ENTERPRISES IN THE GREATER ATLANTA METROPOLITAN AREA; TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

Official Use
Clair Muller
Ray W. Greenwood
Carl Smith
Chela Henderson
Natasha Anderson
Ann Sh...

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NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION ONE: That Part Two, Division 1 of the Code of Ordinances of the City of Atlanta, Sections 2-1101 through Section 2-1137 be repealed and deleted in their entirety and that the following Sections be inserted in lieu thereof:

DIVISION 1. GENERALLY

Sec. 2-1101. Short title.

This article shall be known and may be cited as the procurement and real estate code of the city.

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OR
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